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OFFICE OF PETITIONS

In re Application of
Andrew E. Fano et al.
Application No. 10/663,592
Filed: September 15, 2003
Attorney Docket No. 10022/397

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ON PETITION

This is a decision on the petition filed January 14, 2009 under 37 CFR 1.182, "TO ACCEPT AS TIMELY FILED A RESCISSION OF PREVIOUS NONPUBLICATION REQUEST".

The petition is **GRANTED**.

Petitioner asserts that under 35 U.S.C. §122(b)(2)(B)(iii), a previously filed Rescission of Previous Non-Publication Request with Notice of Foreign Filing ("Rescission"), was filed on August 24, 2004. In support, petitioner submits a copy of the reply said to have been filed, which includes a certificate of facsimile transmission pursuant to 37 CFR 1.8.

Although a review of the record does not reveal receipt, the evidence submitted corroborates that the "Rescission" was timely filed on August 24, 2004.

It is further noted that the previously filed Non-Publication request has been rescinded and that a Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing was mailed on November 6, 2008 and the projected publication date has therefore been communicated.

Deposit account no. 23-1925 has been charged in the amount of \$400 for the petition.

This matter is being referred to Technology Center 2614 for further examination.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
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